

Wetlands Bureau Decision Report

Decisions Taken
02/17/2003 to 02/21/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-00018 WINDMILL SHORES COMM. ASSOC.
LACONIA Lake Winnepesaukee

Requested Action:

Remove 325 cy of sand from 5709 sqft of existing beach and replace with 325 cy of new sand in the same footprint on 155 ft of frontage on Opechee Bay, Laconia.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

Inspection Date: 05/30/2002 by Dale R Keirstead

APPROVE RECONSIDERATION:

Remove 325 cy of sand from 5709 sqft of existing beach and replace with 325 cy of new sand in the same footprint on 155 ft of frontage on Opechee Bay, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Robert Durfee dated November 2001, as received by the Department on January 22, 2003.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. All exposed soil areas outside of the beach area shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during drawdown.
7. Repair shall maintain existing size, location and configuration.
8. Area shall be regraded to original contours following completion of work.
9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. No more than 325 cu. yds. of sand may be used and all sand shall be located above the normal high water line, elevation 492.0.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 30, 2002.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Opechee Bay.
7. The agent for the applicant has addressed the concerns of the DES Wetlands Bureau.

2002-00168 KALLFELZ, JAMES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

1. Permanently remove 385 sqft of existing breakwater and widen the center section of the existing cantilevered dock to provide a straight docking section;
2. Permanently remove 21 sqft of existing wharf, replace the remaining 3 ft 6 in by 15 ft wharf;
3. Construct a 4 ft by 13 ft permanent dock section with an attached 4 ft by 20 ft seasonal dock extension to provide a 12 ft wide slip between the docks; and
4. Construct a 6 ft by 40 ft seasonal crank up dock.

Conservation Commission/Staff Comments:

Con Com request 40 day hold , no response by March 11, 2002

Inspection Date: 03/08/2002 by Dale R Keirstead

Inspection Date: 10/09/2002 by Dale R Keirstead

APPROVE PERMIT:

1. Permanently remove 385 sqft of existing breakwater and widen the center section of the existing cantilevered dock to provide a straight docking section;
2. Permanently remove 21 sqft of existing wharf, replace the remaining 3 ft 6 in by 15 ft wharf;
3. Construct a 4 ft by 13 ft permanent dock section with an attached 4 ft by 20 ft seasonal dock extension to provide a 12 ft wide slip between the docks; and
4. Construct a 6 ft by 40 ft seasonal crank up dock.

With Conditions:

1. All work on this property with an average of 264 ft of frontage on Lake Winnepesaukee, Moultonborough, shall be in accordance with breakwater plans by Docks Unlimited dated December 22, 2002, as received by the Department on February 5, 2003, and slip width revision received February 19, 2003, and seasonal dock plan by Docks Unlimited dated December 3, 2001, as received by the Department January 29, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. The excavated material shall not be added to the existing breakwater.
9. Dredged and excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. This permit does not allow for maintenance dredging.
11. The seasonal dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal pier shall be removed from the lake for the non-boating season.
13. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 8, 2002 and October 9, 2002. Field inspection determined the proposed design is the least impacting alternative for the frontage.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The affected abutter has submitted a notarized letter for the work within the wetland 20 ft setback.
8. The proposed modifications are the least impacting alternatives to provide safe dockage on the frontage.
9. The applicant has an average of 264 feet of frontage along Lake Winnepesaukee.
10. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
11. The proposed docking facility will provide 2 slips as defined per Rule Wt 101.07, Boat slip, and therefore meets Rule Wt 402.14.

-Send to Governor and Executive Council-

2002-01415 PRESIDENTIAL GOLF AND COUNTY CLUB
CONWAY Unnamed Wetland Page/randall Brook

Requested Action:

Fill 24,433 square feet of forested wetlands to complete a proposed 18-hole golf course and country club in Conway. Impacts are for constructing roads with associated culverts and installing wooden bridges for golf carts and maintenance equipment access. 291,600 square feet of forested wetlands will be cleared and maintained as scrub shrub wetlands to allow for fly-over golf play. Mitigate impacts by placing a conservation easement on 53.12 acres of undeveloped land that includes Snake Pond (aka Snow Pond).

Inspection Date: 06/28/2002 by Craig D Rennie

APPROVE PERMIT:

Fill 24,433 square feet of forested wetlands to complete a proposed 18-hole golf course and country club in Conway. Impacts are for constructing roads with associated culverts and installing wooden bridges for golf carts and maintenance equipment access. 291,600 square feet of forested wetlands will be cleared and maintained as scrub shrub wetlands to allow for fly-over golf play. Mitigate impacts by placing a conservation easement on 53.12 acres of undeveloped land that includes Snake Pond (aka Snow Pond).

With Conditions:

1. All work shall be in accordance with plans dated 7/13/98 and revisions dated 10/15/02, as received by the Department on 7/2/02 and 11/12/02.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed for each appropriate lot in this development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent upon submitting a final construction sequence to the Wetlands Bureau for activities associated with developing the site.
6. This permit is contingent on approval by the DES Site Specific Program.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. This permit is contingent upon the execution of a conservation easement on 53.12 acres of undeveloped land as depicted on the

"Conservation Easement Plan" dated 10/15/02 and received on 11/12/02.

9. The conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
10. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
11. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
12. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
13. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
14. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
15. The applicant shall notify the NHDES Wetlands Bureau and the Town of Conway in writing no less than five (5) days prior to the commencement of construction.
16. All clearing within wetlands to create proposed fly-over areas shall be limited to cutting vegetation during frozen conditions with no grading, stumping or filling occurring within these areas.
17. No golf play or ball retrieval shall be allowed within fly-over wetland areas.
18. The Water Quality and Mitigation Agreement dated August 7, 1996 entered into between the Presidential Golf Corporation and the Town of Conway Conservation Commission shall be adhered to for the course development and operation.
19. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
20. The permittee shall designate a qualified professional who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
21. Work shall be done during low flow.
22. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
23. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
24. Proper headwalls shall be constructed within seven days of culvert installation.
25. Culvert outlets shall be properly rip rapped.
26. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
27. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
28. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
29. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
30. A post-construction report documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. A permit was previously approved under file #1996-0372 to construct the 18-hole golf course; however, only a portion of the project was completed before the permit expired on 10/4/01.
3. The new application is necessary to complete the remainder of the project.

4. The applicant is proposing to place a conservation easement on 53.12 acres of undeveloped land that includes Snake Pond (aka Snow Pond) to offset wetland impacts.
5. The project, as approved and conditioned, has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.
6. Wetlands Bureau staff inspected the site on 6/28/02 and found certain areas to be highly disturbed due to recent filling activities that were completed prior to the expiration of permit #1996-0372. Erosion controls were properly installed near the impact areas.
7. DES public hearing is waived with the finding that the project will not significantly impact the resources of the large wetland complex and that the land in and around Snake Pond (53.12 acres) will be preserved from any future development.

2002-02422

TILLOTSON CORPORATION

DIXVILLE Unnamed Stream Abeniki Lake

Requested Action:

Dredge and fill 13,800 square feet within the bed and banks of Lake Abeniki and an unnamed perennial stream to complete repairs to the Abeniki Lake Dam (Dam #65.03). Work will include constructing a new spillway and outlet channel at the southeast end of the dam, regrading the existing embankments, removing the existing spillway and gatehouse, installing a new gatehouse on the northern end of the dam, and removing the existing sheet-pile cofferdam. The existing sheet-pile cofferdam was installed under an Emergency Authorization issued by DES on November 7, 2002 to stabilize the existing spillway and embankment through the winter and spring runoff.

Inspection Date: 07/25/2002 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 13,800 square feet within the bed and banks of Lake Abeniki and an unnamed perennial stream to complete repairs to the Abeniki Lake Dam (Dam #65.03). Work will include constructing a new spillway and outlet channel at the southeast end of the dam, regrading the existing embankments, removing the existing spillway and gatehouse, installing a new gatehouse on the northern end of the dam, and removing the existing sheet-pile cofferdam. The existing sheet-pile cofferdam was installed under an Emergency Authorization issued by DES on November 7, 2002 to stabilize the existing spillway and embankment through the winter and spring runoff.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated December 2002 and January 2003, as received by the Department on 5/29/02.
2. This permit is contingent on approval from DES Dam Safety Program.
3. This permit is contingent on approval by the DES Site Specific Program.
4. The applicant shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on any known historical resources.
5. Final engineered plans that include the outlet channel design shall be submitted to the Wetlands Bureau for review and approval prior to construction.
6. The applicant shall notify the NHDES Wetlands Bureau and the Town of Dixville in writing no less than five (5) days prior to the commencement of construction.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Work shall be done during low flow and drawdown conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Construction equipment shall not be located within surface waters.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

14. Temporary cofferdams shall be entirely removed immediately following construction.
15. A post-construction report documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Wt 303.02(h) & (i).
2. Rehabilitation of the dam and spillway has been mandated by NHDES per Administrative Order No. WD 02-17 dated April 26, 2002.
3. The project is also necessary as water is withdrawn from the reservoir via a 22" diameter penstock that delivers water downslope to the Balsams Hotel area. The water is used for fire protection at the hotel and the Tillotson Healthcare manufacturing facility, process water at the manufacturing facility, hydroelectric power generation, and for golf course irrigation.
4. In accordance with Rule Wt 503.01(a), an Emergency Authorization was issued on 11/7/02 for installing a temporary sheet-pile cofferdam to stabilize the existing spillway and embankment through the winter and spring runoff.
5. The existing spillway of the dam is located where the dam failed in 1960. The new spillway is proposed in an area of a historic spillway (prior to 1960 dam breach) and is the least impacting alternative as reconstructing the spillway in its current location would cause a significant amount of regrading to create an appropriately sized dam structure.
6. Approximately 8 acres of existing wetlands, which colonized the pond bottom after the 1960 dam breach, will be flooded as a result of completing the dam repair. The impoundment (open water) area at the historic pool elevation was approximately 10.6 acres in size with approximately 7.7 acres of fringe wetlands bordering the impoundment. After the dam failure, the area of inundation was reduced to approximately 2.6 acres. It is likely that the fringe wetlands will be restored once the historical pond elevation is reestablished; therefore, the loss of wetlands due to flooding will be offset by the restoration of wetlands covering the same surface area.
7. Wetlands Bureau staff inspected the site on 7/24/02, and found the dam to be in a drawdown state and in poor condition.
8. The project, as approved and conditioned, has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.

2002-02494 CAWLEY, ROBERT & JACQUELYN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 15 ft piling pier extension onto an existing 6 ft x 30 ft piling pier and an existing 6 ft x 30 ft crib dock connected by a 6 ft x 11 ft 11 in walkway in a "U-shaped" configuration, and install a permanent boatlift with 4 support pilings on an average 395 ft of frontage on Whortleberry Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. recommended denial; there is no administrative reason for denial

APPROVE PERMIT:

Construct a 6 ft x 15 ft piling pier extension onto an existing 6 ft x 30 ft piling pier and an existing 6 ft x 30 ft crib dock connected by a 6 ft x 11 ft 11 in walkway in a "U-shaped" configuration, and install a permanent boatlift with 4 support pilings on an average 395 ft of frontage on Whortleberry Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 15, 2002, as received by the Department on November 18, 2002.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
5. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. This permit does not allow for maintenance dredging.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction or modification of a major docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 31, 2003. Field inspection determined that the application is approvable.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this Lacustrine system.
7. The applicant has an average of 395 feet of frontage along Lake Winnepesaukee.
8. A maximum of 6 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
9. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, Boatslip, and therefore meets Rule Wt 402.14.

-Send to Governor and Executive Council-

2002-02728 ANTONELL, CLIFFORD
MEREDITH Lake Winnepesaukee

Requested Action:

Repair and replace existing 8 ft x 32 ft 6 in permanent pier supported on a 8 ft x 7 ft crib and a 8 ft x 6 ft crib, remove existing 2 ft x 20 ft 6 in seasonal dock and a 2 ft x 7 ft permanent dock and replace with a 4 ft x 30 ft seasonal pier, and construct a 6 ft x 50 ft seasonal wharf parallel to the shoreline on approximately 450 ft of frontage on Dale Island, Lake Winnepesaukee.

APPROVE PERMIT:

Repair and replace existing 8 ft x 32 ft 6 in permanent pier supported on a 8 ft x 7 ft crib and a 8 ft x 6 ft crib, remove existing 2 ft x 20 ft 6 in seasonal dock and a 2 ft x 7 ft permanent dock and replace with a 4 ft x 30 ft seasonal pier, and construct a 6 ft x 50 ft seasonal wharf parallel to the shoreline on approximately 450 ft of frontage on Dale Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 16, 2002, as received by the Department on December 24, 2002.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

2. Repair shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
6. The seasonal pier and wharf shall be removed from the lake for the non-boating season.
7. The maximum size of cribs shall not exceed 6 feet long and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
8. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
9. The minimum clear spacing between cribs shall be 12 feet.
10. This permit does not allow for maintenance dredging.
11. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction or modification of a major docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) , Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on February 6, 2003. Field inspection determined the application to be approvable.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this Lacustrine system.
7. The applicant is the sole owner of Dale Island, therefore the frontage calculation is based on the actual navigable frontage only.
8. The applicant has 450 feet of frontage along Lake Winnepesaukee.
9. A maximum of 7 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
10. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, Boat slip, and therefore meets Rule Wt 402.14.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2000-01222 SEIGARS, STEVEN
GREENFIELD Unnamed Wetland

Requested Action:

After the fact request to retain a 15 in. x 57 ft. culvert and 586 sq. ft. of fill in a forested wetland. Request to construct a 0.56 acre irrigation/ fire pond impacting 9,008 sq. ft. of forested and scrub shrub wetland.

Mitigate the impacts by restoring 424 sq. ft. of dredged forested wetland and providing berms to restore the hydrology to the

adjacent wetland, construct 2,900 sq. ft. of forested wetland and provide 16.4 acres of Conservation Easement on lots R-9-18A and R-9-20.

Inspection Date: 07/20/2000 by Gino E Infascelli

APPROVE PERMIT:

After the fact request to retain a 15 in. x 57 ft. culvert and 586 sq. ft. of fill in a forested wetland. Request to construct a 0.56 acre irrigation/ fire pond impacting 9,008 sq. ft. of forested and scrub shrub wetland.

Mitigate the impacts by restoring 424 sq. ft. of dredged forested wetland and providing berms to restore the hydrology to the adjacent wetland, construct 2,900 sq. ft. of forested wetland and provide 16.4 acres of Conservation Easement on lots R-9-18A and R-9-20.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc.:
- a. Irrigation Pond Creation and Restoration Plan dated October 15, 2001, REVISED 3/29/02 as received by the Department on September 23, 2002 and
- b. Proposed Mitigation/Conservation Easement Map R9, Lot 18A and 20 dated September 11, 2002 as received by the Department on September 23, 2002.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to further construction.
3. The deed which accompanies any sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau unless specifically permitted for the restoration and construction of wetlands.
9. This permit is contingent upon the restoration of 424 sq. ft. of forested wetland and the hydrology to the adjacent wetlands in accordance with plans received September 23, 2002.
10. The schedule for construction of the mitigation area shall coincide with the pond construction.
11. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
12. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
13. Wetland construction and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. Wetland construction and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
15. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

16. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
17. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
18. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
19. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
20. This permit is contingent upon the execution of a conservation easement on 16.4 acres as depicted on plans received September 23, 2002.
21. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
22. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to further construction.
23. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
24. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] by September 1, 2003.
25. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
26. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
27. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(e), alteration of less than 20,000 sq. ft. of non-tidal wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. DES Staff conducted a field inspection of the proposed project on July 20, 2000. Field inspection determined that:
 - a. The owner had dredged and filled wetlands without a permit;
 - b. The plans submitted to the file on June 28, 2000 were inaccurate and inadequate;
 - c. Portions of the proposed pond were in very poorly drained soils and therefore the application does not meet the Agricultural minimum impact rules and does not meet any minimum impact rule;
 - d. A 50 foot long culvert was installed;
 - e. About 50% of the pond area is very poorly drained soils and
 - f. A ditch was dug from the upland into a significant wetland and drained it.
4. The conditions of the approval require restoration, mitigation and preservation of areas consistent with the DES Wetland Bureau draft mitigation rules.
5. The pond area will provide an irrigation source and fire protection.

2000-01802 SANDERSON, DIANE & ERIC
MEREDITH Lake Winnepesaukee

Requested Action:

After the Fact approval to retain re-facing of 98 linear feet of existing retaining wall on 80 feet of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com has not responded by 02/20/03

APPROVE AFTER THE FACT:

Retain re-facing of 98 linear feet of existing retaining wall on 80 feet of frontage on Lake Winnepesaukee.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This approval to reface existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(j).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Permanently remove an existing un-permitted permanent "U" shaped 6 ft by 45 ft piling supported docking facility and construct a single 6 ft by 35 ft piling supported dock, install 3 tie off pilings to the north of the dock, and construct a seasonal canopy over the northern slip, on 80 ft of frontage on Lake Winnepesaukee, Meredith.

APPROVE PERMIT:

Permanently remove an existing un-permitted permanent "U" shaped 6 ft by 45 ft piling supported docking facility and construct a single 6 ft by 35 ft piling supported dock, install 3 tie off pilings to the north of the dock, and construct a seasonal canopy over the northern slip, on 80 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated November 6, 2000, as received by the Department on December 4, 2000.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Photographs must be submitted to the Bureau showing the removal of the non-permitted structure and the completed construction of the approved structure by June 1, 2004.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Dredged material and construction debris shall be placed out of any area that is within the jurisdiction of the DES Wetlands

Bureau

11. This permit does not allow for maintenance dredging of boatslips.
12. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
13. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 2, 2000. Field inspection determined the existing structure was not in compliance with the current Wetlands Program Code of Administrative Rules.
6. The proposed structure will conform to current rules.

2002-01300 CHERRY, CAROL A/ERNEST M
HAMPTON FALLS Ash Brook/taylor River

Requested Action:

Fill a total of 10,704 sq. ft., which includes 9,339 sq. ft. of wetland at 7 locations for the construction of an access roadway and installation of culverts for the construction of a 19-lot residential development on 84.5 acres of land; and retention after- the- fact of 390 sq. ft. of wetland fill for the installation of a woods road and culvert to access upland for logging and 975 sq. ft. of wetland fill for the construction of a driveway and installation of a culvert. Approved as mitigation: a conservation deed restriction to preserve 5.5 acres of undisturbed forest consisting of 4.25 acres wetland and 1.25 acres upland, and provide "no-cut" buffers to protect two potential vernal pools.

Inspection Date: 10/08/2002 by David A Price

DENY RECONSIDERATION:

Fill a total of 10,704 sq. ft., which includes 9,339 sq. ft. of wetland at 7 locations for the construction of an access roadway and installation of culverts for the construction of a 19-lot residential development on 84.5 acres of land; and retention after- the- fact of 390 sq. ft. of wetland fill for the installation of a woods road and culvert to access upland for logging and 975 sq. ft. of wetland fill for the construction of a driveway and installation of a culvert. Approved as mitigation: a conservation deed restriction to preserve 5.5 acres of undisturbed forest consisting of 4.25 acres wetland and 1.25 acres upland, and provide "no-cut" buffers to protect two potential vernal pools.

With Findings:

1. On June 17, 2002, the Department of Environmental Services ("DES") Wetlands Bureau received an "after the fact" application from Ernest and Carol Cherry ("applicant") to fill a total of 10,100 sq. ft. of wetland at 6 locations for the construction of an access roadway and installation of culverts for the construction of a 19-lot residential development on 84.5 acres of land, Hampton Falls tax map 6, lot's 45 & 45-1 ("the property").
2. On July 22, 2002, DES received comments on the proposed project from the Hampton Falls Conservation Commission ("Commission") including the following:
 - a. request that the applicant provide mitigation for the wetland impacts and for impacts within the town's 100 ft. wetland buffer;
 - b. establish a conservation easement that satisfies the Draft DES Mitigation Rules Wt 800;
 - c. if 2a and 2b are not possible, then assess the applicant a fee to be paid to the town for the amount of wetland and town wetland buffer impacts;
 - d. redesign proposed driveways to avoid impact to the town wetland buffer;
 - e. the proposed fire pond was not included in the application;

- f. plans do not show the two potential vernal pools, request that these areas be given more careful consideration and/or protection;
 - g. a wetland area near lot #19 identified by the Commission was not shown on the plans or calculated as an impact area;
 - h. include language on the plans that prohibits any future development within the town's wetland buffer.
3. On September 24, 2002, DES requested more information from the applicant including clarification of what wetland impacts had occurred and what was proposed; restoration plan for impact areas not included in subdivision, NH Natural Heritage Inventory response; drainage calculations for culvert sizing; demonstration of avoidance and minimization per Wt 302.03 and Wt 302.04(a)(2) as well as any proposed mitigation; and clarification of the apparent omission of the proposed fire pond and vernal pools as referenced by the Commission (a copy of the Commission's letter was enclosed). Issues raised by the Commission relative to local ordinances or zoning, or unenforceable requirements such as draft mitigation rules or impact fee assessment to the town, were not included in this request.
4. On October 8, 2002, DES personnel, Gove Environmental Services, Inc. ("GES"), KLC Land Planning and Consulting ("KLC"), and applicant Ernest Cherry conducted a site walk of the proposed project, and reviewed the DES request for more information described in finding 3. As a result of the site walk, plan depiction and quantification of the previously unidentified wetland area (raised by the Commission) in the vicinity of lot 19, as well as depiction of the buffers around the potential vernal pools, was further requested by DES.
5. On November 5, 2002, DES received revised plans and supporting documentation from GES addressing all the items as requested by DES, including identification of the wetland near lot 19 as "Area G".
6. On November 12, 2002, DES received a chronology of events relating to the Hampton Falls Planning Board's denial of the applicant's proposed subdivision from KLC.
7. On November 21, 2002, DES approved the applicant's request to fill 9,339 sq. ft. of wetland at 7 locations for the construction of an access roadway and installation of culverts for the construction of a 19-lot residential development on 84.5 acres of land; retain 390 sq. ft. of wetland fill for the installation of a woods road and culvert to access upland for logging and retain 975 sq. ft. of wetland fill for the construction of a driveway and installation of a culvert, representing a revised total wetlands impact to DES jurisdiction of 10,704 sq. ft., with supporting findings. DES further approved, as mitigation, 5.5 acres of upland/wetland complex surrounding Ash Brook placed in conservation deed restriction.
8. On December 9, 2002, DES received a request for reconsideration from the Hampton Falls Conservation Commission ('appellant') based on the following:
- a. the project does not meet the intentions of the DES Draft Wt 800 Compensatory Mitigation rules, DES should reconsider accepting the mitigation;
 - b. the conservation area will not be permanently protected;
 - c. the conservation area is prohibited from development because it lies within the town's 50 ft. property line setback or the town's 100 ft. wetland buffer setback;
 - d. include forestry practices as a limitation on the property;
 - e. conservation language should read "current and future" property owners to be consistent with permit condition #14;
 - f. assertion that the applicant did not explore feasible alternatives with lesser wetland impacts;
 - g. questions why there is a "25 ft. no cut buffer zone" around a smaller wetland/potential vernal pool and a "50 ft. no cut buffer zone" around a larger wetland/potential vernal pool.
 - h. the square footage of "area G" was not included in the total permitted.
 - i. requests a permit condition prohibiting any future impacts for development of the property.
9. In response to the appellant's assertion in finding 8a, the applicant has offered a 5.5 acre conservation area and no cut buffers around two potential vernal pools. The 100 ft. wetlands buffer is a town issue and exceeds DES Wetlands Bureau jurisdiction. The DES Wt 800 Compensatory Mitigation rules are currently in draft and not enforceable, thus neither the applicant nor DES are required to adhere to these draft rules.
10. In response to the appellant's assertions in findings 8b and 8e, DES finds that these statements are incorrect. The conservation deed restrictions placed on the preservation area are written to run with the land for both existing and future property owners as required by permit condition 14.
11. In response to the appellant's assertion in finding 8c, DES finds that the town's setbacks and buffer restrictions are town zoning/ordinance requirements and exceed the jurisdiction of DES.
12. In response to the appellant's assertion in finding 8d, DES finds that the applicant is a licensed tree farmer, and under no obligation to discontinue this historic use of his property. DES finds that such use, when conducted appropriately according to established best management practices, does not necessarily diminish the value of the conservation area, and does not necessarily need to be a prohibited use. Further, condition 18 of the permit prohibits removal of existing vegetative undergrowth within the conservation area, which protects the integrity of the conservation area.
13. In response to the appellant's assertion in finding 8f, DES finds the applicant submitted an alternative layout plan with lesser wetland impacts as required by Wt 302.03, however,

according to Steven Cummings, P.E. on behalf of the applicant, these alternatives were determined not to be feasible due to an alignment with a number of curves that cause significant sight distance problems and does not meet the AASHTO safety standards. The alternative approved by DES represents the least impacting alternative which can meet safety standards, a criteria for consideration per Wt 302.04(a)12. The appellant asserts that an alternative layout plan was completed by the Commission, however, the record shows that this alternative plan was never submitted by the Commission to DES for review.

14. In response to the appellant's assertion in finding 8g, DES finds the buffers around the potential vernal pools reasonable as proposed on the basis that, despite a May 2002 field survey by GES, no conclusive evidence (egg masses, larvae, etc.) has been found to confirm that these areas are, in fact, functioning vernal pools; and that the buffers are voluntary on the part of the applicant as no specific DES requirement for such buffers exists.

15. In response to the appellant's assertion in finding 8h, DES finds that this assertion is incorrect. The record shows that the square footage of "area G" has been included in the 9,339 sq. ft. amount for the subdivision roadway crossings.

16. In response to the appellant's assertion in finding 8i, DES permit condition 5 of the permit requires the applicant to reapply for any further work to be pursued within DES wetlands jurisdiction, and that application will be evaluated on its own merits, and within the context of the overall project, for compliance with DES wetlands regulations, which allows the applicant due process under RSA 482-A.

17. DES finds that the record reflects that all issues raised by the appellant, either in its original comments as Commission, or in its request for reconsideration, that were within the jurisdiction of DES, were appropriately addressed, as described herein. DES has no authority to enforce requests of the Commission which are based on town ordinances or zoning, or otherwise exceed the authority or contradict the regulations of DES.

2002-02255 THOMAS, LEONARD
GILFORD Lake Winnepesaukee

Requested Action:

Permanently remove 39 support piling remnants and replace 46 pilings supporting a 66 ft x 38 ft 8 in boathouse on an average of 181 ft of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. com. agreed w/ stipulations about removing dock

APPROVE PERMIT:

Permanently remove 39 support piling remnants and replace 46 pilings supporting a 66 ft x 38 ft 8 in boathouse on an average of 181 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 5, 2002, as received by the Department on February 11, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. This permit does not allow for maintenance dredging.
5. Repairs shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. Work shall be done during drawdown.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing boat house support pilings.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2002-02522

NH DEPT OF TRANSPORTATION

BEDFORD Pointer Club Brook

Requested Action:

Add two lanes at the Bedford toll plaza and widen approaches impacting 2,060 sq. ft. of palustrine emergent and forested wetland, 425 sq. ft. of stream and temporarily impacting a total of 1,758 sq. ft.

APPROVE PERMIT:

Add two lanes at the Bedford toll plaza and widen approaches impacting 2,060 sq. ft. of palustrine emergent and forested wetland, 425 sq. ft. of stream and temporarily impacting a total of 1,758 sq. ft. NHDOT project #13603.

With Conditions:

1. All work shall be in accordance with plans by VHB, Inc. dated September 6, 2002, as received by the Department on November 20, 2002.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h, alteration of less than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2002-02568 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Connecticut River

Requested Action:

Fill 1,120 sq. ft. of embankment with fractured ledge in addition to the 345 sq. ft. emergency approval (2002-758) at location "A" and 560 sq. ft. at location "B" to repair washouts immediately adjacent to the railroad.

Conservation Commission/Staff Comments:

The Headwaters Subcommittee of the Connecticut River Joint Commissions requests the plan include vegetative stabilization and if rock is used that it be placed and not dumped.

APPROVE PERMIT:

Fill 1,120 sq. ft. of embankment with fractured ledge in addition to the 345 sq. ft. emergency approval (2002-758) at location "A" and 560 sq. ft. at location "B" to repair washouts immediately adjacent to the railroad. NHDOT project #66020-2.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated September 23, 2002(revised October 16, 2002) as received by the Department on November 27, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Humus and shrub plantings shall be placed along the bank above the ten year storm elevation.
11. Rip rap to be placed and not dumped on the bank.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of bank along a river.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish and Game Staff conducted a field inspection of the proposed project. Inspection did not find dwarf wedge mussels at the project site and indicates the project does not pose a threat as there is no fill or sediment into the river.
6. US Fish and Wildlife Service indicates the project is not likely to adversely affect the dwarf wedgemussel.
7. The Headwaters Subcommittee of the Connecticut River Joint Commissions requests the plan include vegetative stabilization and if rock is used that it be placed and not dumped.

2002-02639 WHITEFIELD TOWN OFFICE
WHITEFIELD Unnamed Wetland

Requested Action:

Dredge and fill 7,450 square feet of emergent and scrub-shrub wetlands with areas of standing water (PEM1/SS1C) to consolidate solid waste
in preparation for capping and closure of the Town of Whitefield Municipal Solid Waste Landfill.

Conservation Commission/Staff Comments:

No comments received from the Whitefield Conservation Commission.

APPROVE PERMIT:

Dredge and fill 7,450 square feet of emergent and scrub-shrub wetlands with areas of standing water (PEM1/SS1C) to consolidate solid waste
in preparation for capping and closure of the Town of Whitefield Municipal Solid Waste Landfill.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated 5/97, as received by the Department on 12/6/02.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Waste Management Division.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a Minor Project per NH Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet in the aggregate of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2002-02679 NH DEPT OF TRANSPORTATION
NORTHWOOD Unnamed Wetland

Requested Action:

Extend culverts, construct or repair headers and end sections, add rip rap and fill slopes to provide safety improvements impacting 3,654 sq. ft. within palustrine wetlands, 2,400 sq. ft. of banks and 1,807 sq. ft. of temporary impacts (total 7,861 sq. ft.).

APPROVE PERMIT:

Extend culverts, construct or repair headers and end sections, add rip rap and fill slopes to provide safety improvements impacting 3,654 sq. ft. within palustrine wetlands, 2,400 sq. ft. of banks and 1,807 sq. ft. of temporary impacts (total 7,861 sq. ft.). NHDOT project #12897.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Highway Design dated 12-03-02 and 12-04-02 as received by the Department on December 17, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Construction equipment shall not be located within surface waters.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters.
13. There shall be no work within 5 feet of the normal high waterline at area 21.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands or surface waters and exceeding Rule Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The rule requiring a stamped survey plan, Wt 404.04(c), is waived as the permit is conditioned that no work be within 5 feet of the normal high waterline at area 21.

2002-02699 MARTIN, GARY
ALTON Lake Winnepesaukee

Requested Action:

Replace an existing 6 ft 11 in x 35 ft piling pier with a 6 ft x 35 ft piling pier, and replace 2 fender pilings and one 3-piling ice cluster on an average of 100 ft of frontage on Sleepers Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed

APPROVE PERMIT:

Replace an existing 6 ft 11 in x 35 ft piling pier with a 6 ft x 35 ft piling pier, and replace 2 fender pilings and one 3-piling ice cluster on an average of 100 ft of frontage on Sleepers Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 19, 2002, as received by the Department on December 19, 2002.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing location and configuration and be a reduction in size.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. This permit does not allow for maintenance dredging.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. This shall be the only structure on this water frontage and all portions of the structure shall be at least 9 ft from the east property line or the imaginary extension of that line into the water.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet)

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(m), installation of ice clusters and pilings.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The repair of the existing structure with a reduction in size reduces the impact within the 20 ft setback and increases the distance between the pier and the property line, and therefore, does not require further abutter approval.

2002-02736 BEAVER BROOK ESTATES INC., LLC
LONDONDERRY Watts Brook

Requested Action:

Dredge and fill 3,876 square feet (temporary impact = 2,938 square feet and permanent impact = 938 square feet) in the Watts Brook floodplain, comprised of palustrine forested and scrub-shrub wetland communities, to install a temporary 36-inch in diameter by 50-foot long RCP culvert, install a temporary sand bag coffer dam in the stream bed, a 20-foot long by 10-foot wide by 4-foot deep stilling basin (in uplands) as a sediment trap, including 971.7 square feet of floodplain replication northeast and southwest of the impact site, to allow for the construction of concrete footings and grading on the northern and southern stream banks to support the installation of a permanent Conspan arch bridge to access 13 lots of a new, 14-lot residential subdivision on 34.1 acres.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated January 21, 2003 the Londonderry Conservation Commission approved the plan and expressed its pleasure with a bridge over Watts Brook rather than a culvert.

APPROVE PERMIT:

Dredge and fill 3,876 square feet (temporary impact = 2,938 square feet and permanent impact = 938 square feet) in the Watts Brook floodplain, comprised of palustrine forested and scrub-shrub wetland communities, to install a temporary 36-inch in diameter by 50-foot long RCP culvert, install a temporary sand bag coffer dam in the stream bed, a 20-foot long by 10-foot wide by 4-foot deep stilling basin (in uplands) as a sediment trap, including 971.7 square feet of floodplain replication northeast and southwest of

the impact site, to allow for the construction of concrete footings and grading on the northern and southern stream banks to support the installation of a permanent Conspan arch bridge to access 13 lots of a new, 14-lot residential subdivision on 34.1 acres.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Associates, Inc. dated 8/02, as received by the Department on 12/23/02.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Unconfined work within Watts Brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. This permit is contingent on approval by the DES Site Specific Program.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
14. The temporary culvert outlet shall be properly rip rapped and shall have an effective temporary headwall installed.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a Minor Project per NH Administrative Rule Wt 303.03(c), alteration of stream that will involve dredging and filling in wetlands jurisdiction of more than 3,000 but less than 20,000 square feet of impact, and the construction of a permanent bridge to access a 14-lot residential subdivision.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00030 ROCHESTER, CITY OF
ROCHESTER Mcduffie Brook & Cocheco River

Requested Action:

Fill approximately 300 square feet within the bank of the Cocheco River and fill approximately 150 square feet within the bank of McDuffie Brook and adjacent forested wetlands to reconstruct two existing stormwater drainage outfalls to eliminate the inflow and infiltration of stormwater into the City of Rochester's sanitary sewer system and wastewater treatment plant.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated January 14, 2003 the Rochester Conservation Commission recommended moving outfall #2 further upslope to prevent flood damage and reduce future maintenance.

In a letter to the DES Wetlands Bureau dated February 11, 2003 the Rochester Conservation Commission recommended acceptance

of the plans for outfall #2.

APPROVE PERMIT:

Fill approximately 300 square feet within the bank of the Cocheco River and fill approximately 150 square feet within the bank of McDuffie Brook and adjacent forested wetlands to reconstruct two existing stormwater drainage outfalls to eliminate the inflow and infiltration of stormwater into the City of Rochester's sanitary sewer system and wastewater treatment plant.

With Conditions:

1. All work shall be in accordance with the Main Street Outfall Detail (Figure 2) and the Patriots Way Outfall Detail (Figure 3) by Weston Sampson Engineers, Inc. received by the Department on January 7, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Drainage and construction easements shall be obtained from each affected property owner prior to commencement of construction.
4. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
5. The applicant shall notify the NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
6. Work shall be conducted during low flow.
7. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Stone aprons shall be installed at culvert/outfall outlets to dissipate flow velocities and prevent scour and erosion.
11. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Project, per Rule Wt 303.03(l), as the project will disturb less than 200 linear feet of the banks of a perennial stream and river.
2. The project is necessary to eliminate the inflow and infiltration of stormwater into the City of Rochester's sanitary sewer system and wastewater treatment plant.
3. In a letter to the DES Wetlands Bureau dated January 14, 2003 the Rochester Conservation Commission recommended moving outfall #2 further upslope to prevent flood damage and reduce future maintenance. In a follow-up letter to the DES Wetlands Bureau dated February 11, 2003 the Rochester Conservation Commission recommended acceptance of the plans for outfall #2.
4. The need for proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
5. The applicant has sufficiently demonstrated that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

MINIMUM IMPACT PROJECT

2002-02269 NH DEPT OF TRANSPORTATION NORTHUMBERLAND Upper Ammonoosuc River

Requested Action:

Fill an 800 sq. ft. area with rip rap for stabilization along 35 linear feet of bank.

APPROVE PERMIT:

Fill an 800 sq. ft. area with rip rap for stabilization along 35 linear feet of bank. NHDOT project #66020.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated August 20, 2002 as received by the Department on October 20, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.

2002-02539 NH DEPT OF TRANSPORTATION NORTHUMBERLAND Upper Ammonoosuc River

Requested Action:

Temporarily impact a total of 400 sq. ft. of emergent wetland, stream and bank to replace a catch basin, 18 in. culvert and header.

APPROVE PERMIT:

Temporarily impact a total of 400 sq. ft. of emergent wetland, stream and bank to replace a catch basin, 18 in. culvert and header. NHDOT project #13326.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 11-19-02 as received by the Department on November 25, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

2003-00017 GILBERT JR, ROBERT
STRAFFORD Unnamed Wetland

Requested Action:

Dredge 15,694 square feet and fill 1,500 square feet of forested and wet meadow wetlands to construct a farm pond.

Conservation Commission/Staff Comments:

No comments received from the Strafford Conservation Commission.

APPROVE PERMIT:

Dredge 15,694 square feet and fill 1,500 square feet of forested and wet meadow wetlands to construct a farm pond.

With Conditions:

1. All work shall be in accordance with the Pond Design Plan by Orvis/Drew, LLC dated March 14, 1997, as received by the Department on January 6, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The applicant shall notify in writing the Isinglass River Local Advisory Committee, P.O. Box 224, Strafford, NH 03884 and the DES Rivers Coordinator, P.O. Box 95, Concord, NH 03302-0095 at least 48 hours prior to the commencement of construction.
4. Work shall be conducted during no flow conditions.
5. Dredged/excavated material not utilized to construct the pond berm shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction and shall be maintained during construction such that no turbidity escapes the immediate dredge area.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minimum Impact Project per Rule Wt 303.04(p).
2. An identical proposal for pond construction on the property was authorized under Wetlands and Non-Site Specific Permit No. 97-00483, issued by the DES Wetlands Bureau on August 8, 1997.
3. Work within the Department's jurisdiction, as authorized under Wetlands and Non-Site Specific Permit No. 97-00483, was not conducted prior to permit expiration on August 8, 2002.
4. Information submitted in support of File No. 97-00483 sufficiently demonstrates that there are no defined stream channels into or out of the proposed pond site.
5. In a letter to the DES Wetlands Bureau dated February 14, 2003, the Isinglass River Local Advisory Committee recommended utilization of best management practices for erosion control, and requested that they be notified when project construction begins.

2003-00099 AZOURY, GARY
SEABROOK Hampton Harbor

Requested Action:

Impact 690 square feet within a sand dune jurisdiction for the construction of an addition to an existing building on a fully developed property in the Town of Seabrook.

Inspection Date: 02/05/2003 by Christina Altimari

APPROVE PERMIT:

Impact 690 square feet within a sand dune jurisdiction for the construction of an addition to an existing building on a fully developed property in the Town of Seabrook.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated December 30, 2002, as received by the Department on January 17, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This property is a developed interior lot in Seabrook with little or no remaining dune function other than its position in the landscape.
2. This approval is consistent with other approvals in developed sand dune areas.
3. Based on findings #1 and #2, this project is deemed minimum impact per Wt. 303.04(o).

2003-00125 YORK RIVER LLC
WILTON Unnamed Wetland Blood Brook

Requested Action:

Fill and dredge approximately 2,743 square feet of palustrine emergent wetlands and 40 feet perennial stream to replace existing 36" x 15' culvert with a 48" x 40' culvert to provide access to a 16-lot subdivision

Conservation Commission/Staff Comments:

Con Com expressed concerns for the handling of stormwater.

Applicant has applied for an alteration of terrain permit (pending), to address the stormwater controls.

APPROVE PERMIT:

Fill and dredge approximately 2,743 square feet of palustrine emergent wetlands and 40 feet perennial stream to replace existing 36" x 15' culvert with a 48" x 40' culvert to provide access to a 16-lot subdivision

With Conditions:

1. All work shall be in accordance with wetland crossing plan by Meridian Land Services, Inc. dated November 26, 2002, as received by the Department on January 23, 2003 and subdivision plan by Meridian Land Services, Inc. dated November 20, 2002, as received by the Department on February 6, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of wetlands to provide access to a 16-lot subdivision.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission expressed concerns for the proper handling of stormwater runoff associated with this project, for which the applicant has applied for an alteration of terrain permit (pending) to address proper handling of stormwater runoff and minimize impacts to jurisdictional areas.

FORESTRY NOTIFICATION

2003-00185 TERRIEN, CARLETON
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 8K601, Lot# 2

2003-00233 COOK JR, EDWARD
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map 15, Lot# 94

2003-00250 HOPKINTON FORESTRY
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 100, Lot 4, Block 2

2003-00251 TIMOTHY, MICHAEL
LEMPSTER Unnamed Stream

COMPLETE NOTIFICATION:
Lempster Tax Map 4, Lot# 222.270

2003-00255 COLSMANN, MARY
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Acworth Tax Map 71, Lot# 333

2003-00256 CERSOSIMO LUMBER COMPANY INC
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 9, Lot# 9

2003-00263 LOCK-N-2 STORE LLC, C/O DAVID WILUSZ
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax Map 412, Lot# 243

2003-00264 WRIGHT, RALPH
MONROE Unnamed Stream

COMPLETE NOTIFICATION:
Monroe Tax Map U1, Lot# 11

EXPEDITED MINIMUM

2002-02315 HANSON, TIMOTHY
HENNIKER Unnamed Stream

Requested Action:
Deny request to reconsider decision to issue permit to fill 238 square feet of a seasonal stream to install a 24" x 20' culvert for lot access

Conservation Commission/Staff Comments:

Conservation Commission has not submitted comments.

Issue of ownership for proposed roadway/culvert installation has been raised by the abutter of lot 740. Abutter has made objections to the project. States the road does not continue after the stream crossing. States the property on the east side is his land.

Town officials have stated the road goes through, past the stream channel, in an easterly direction connecting with Patch Road.

The applicant has submitted documents from the Town stating that Bowers Rd is a Class VI town road, and the town has given consent to install the culvert.

DENY RECONSIDERATION:

Deny request to reconsider decision to issue permit to fill 238 square feet of a seasonal stream to install a 24" x 20' culvert for lot access.

With Findings:

1. Standards for Approval

1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."

2. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

3. The Department issued its decision on the applicant's request to fill 238 square feet of a seasonal stream to install a 24" x 20' culvert for lot access by way of a letter dated and mailed on December 10, 2002.

4. The deadline to make a request for reconsideration of the Department's decision was December 30, 2002.

5. The Motion for Reconsideration, dated December 30, 2002 was received by the Department on January 2, 2003, 3 days after the issuance of the Department's decision.

Ruling in Support of the Decision

6. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

2002-02645 TRUE, MELBERN & VIRGINIA
EAST DERRY Unnamed Pond

Requested Action:

Maintenance dredge approximately 2,800 square feet of a man-made pond.

Conservation Commission/Staff Comments:

The Conservation Commission signed off on this minimum impact expedited application.

A review of the 1953 USGS map did not show the pond, which appears on current USGS maps. This indicates that the pond is man-made.

APPROVE PERMIT:

Maintenance dredge approximately 2,800 square feet of a man-made pond.

With Conditions:

1. All work shall be in accordance with plans by M.D. True dated November 2002, as received by the Department on December 11, 2002, and narrative by Melbern D. True dated February 10, 2003, as received by the Department on February 11, 2003.

2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

3. All dredge work shall be done within the bounds of the legally existing pond.
4. Work shall be done during low flow.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge of a man-made pond to provide continued usefulness.
2. A review of prime wetland maps for the Town of Derry indicates that there are no prime wetlands located in or adjacent to the project area as required by 303.04(k)(2).

2002-02647 COTE, GILLES
DERRY Big Island Pond

Requested Action:

Construct a 4 ft x 24 ft seasonal dock on an average of 50 ft of frontage on Big Island Pond.

Conservation Commission/Staff Comments:

Con. Com. signed

can find no evidence that 3'x36' dock is a repair/replacement

1996 photos show seasonal dock, size unknown

APPROVE PERMIT:

Construct a 4 ft x 24 ft seasonal dock on an average of 50 ft of frontage on Big Island Pond.

With Conditions:

1. All work shall be in accordance with plans by Giles Cote dated February 9, 2003 as received by the Department on February 11, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted a signed notarized waiver of the 20 ft setback to property lines, from the affected abutter, as required per RSA 482-A:3.

2002-02710 CARSON, CAROL/THOMAS
HOPKINTON Unnamed Wetland

Requested Action:

Dredge and fill 588 square feet within an intermittent streambed and forested wetland to install 18 feet of 12 inch diameter RCP culvert for vehicular access to a 5.04 acre single family building lot subdivided from an original 41 acre parcel.

Conservation Commission/Staff Comments:

The Hopkinton Conservation Commission signed the minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill 588 square feet within an intermittent streambed and forested wetland to install 18 feet of 12 inch diameter RCP culvert for vehicular access to a 5.04 acre single family building lot subdivided from an original 41 acre parcel

With Conditions:

1. All work shall be in accordance with plans by FWS Land Surveying, P.L.L.C. dated December 12, 2002, as received by the Department on January 16, 2003, and the subdivision plans by FWS Land Surveying, P.L.L.C. dated January 28, 2003, as received by the Department on February 6, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each lot in this subdivision shall contain condition 4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to provide vehicular access to a single family building lot.
2. The applicant considered alternative driveway locations, but none were practicable. An alternative driveway crossing located at the narrowest wetland area could not be utilized because of high tension power lines and steep slopes in this location.

2003-00095 DAVIS, ALVIN
LOUDON Unnamed Wetland

Requested Action:

Dredge and fill approximately 856 square feet of forested wetland to install 24 feet of 18 inch diameter CMP culvert at one crossing, and 26 feet of 18 inch diameter CMP culvert at a second crossing, to provide vehicular access to a single family building lot on 16.18 acres of an 18.46 acre two-lot subdivision.

Conservation Commission/Staff Comments:

The Loudon Conservation Commission signed this Minimum Impact Expedited application contingent upon no further development of the property. According to a letter dated January 28, 2003, as received by DES on January 30, 2003, the Conservation

Commission signed the application "with the knowledge that this property will be for one house and not be further developed." The applicant agreed to this condition.

APPROVE PERMIT:

Dredge and fill approximately 856 square feet of forested wetland to install 24 feet of 18 inch diameter CMP culvert at one crossing, and 26 feet of 18 inch diameter CMP culvert at another crossing, to provide vehicular access to a single family building lot on 16.18 acres of an 18.46 acre two-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated January 8, 2003, as received by the Department on January 17, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of culverts and associated fill for vehicular access to a single family building lot.
2. The minimum impact expedited permit application was signed by the Town of Loudon Conservation Commission contingent upon no further development of the property within this subdivision. The applicant agreed that this property will only have one house and will not be further developed.

2003-00106 DANIS, DAWN/KURT
ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 134 square feet within a roadside drainage ditch to install 20 feet of 18 inch diameter CMP culvert for vehicular access to a single family building lot.

Conservation Commission/Staff Comments:

The Rochester Conservation Commission signed this minimum impact expedited permit application.

APPROVE PERMIT:

Dredge and fill 134 square feet within a roadside drainage ditch to install 20 feet of 18 inch diameter CMP culvert for vehicular access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated January 3, 2003, as received by the Department on January 21, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during low flow.
6. Culvert inverts shall be laid at existing grade.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlet shall be properly rip rapped.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00142 MANCHESTER HIGHWAY DEPARTMENT
MANCHESTER Cohas Brook

Requested Action:

Dredge and fill approximately 85 square feet of a seasonal tributary to Cohas Brook to extend an existing 37.5 foot x 36 inch diameter RCP culvert by installing 5 linear feet of 36 inch diameter RCP culvert at the northerly end, for sidewalk construction in the right-of-way of a public road.

Conservation Commission/Staff Comments:

1. The Manchester Conservation Commission signed this Minimum Impact Expedited application on 1/16/03.

APPROVE PERMIT:

Dredge and fill approximately 85 square feet of a seasonal tributary to Cohas Brook to extend an existing 37.5 foot x 36 inch diameter RCP culvert by installing 5 linear feet of 36 inch diameter RCP culvert at the northerly end, for sidewalk construction in the right-of-way of a public road.

With Conditions:

1. All work shall be in accordance with plans by the Manchester Highway Department dated October 2002, last revised January 17, 2003, as received by the Department on January 27, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.

4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Work shall be done during no flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), construction of a sidewalk within the right-of-way of a public road.
2. This project proposes to extend an existing 36 ft. culvert by 5 ft. to add a sidewalk to Mooresville Road - it has been identified as a key street by the City of Manchester Community Improvement Program and is located in proximity to 3 schools and a day care run by a local church.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. This project proposes to extend an existing 36 ft. culvert by 5 ft. to add a sidewalk to Mooresville Road - it has been identified as a key street by the City of Manchester Community Improvement Program and is located proximate to three schools and a day care run by a local church.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed area of impact is a seasonal tributary of Cohas Brook, which feeds into an area identified by NHI, N.H. DRED, as a Southern New England (SNE) floodplain forest and an area of rare and threatened species habitat. NHI reviewed the project and stated that the primary threats to the SNE floodplain forest were alterations of the hydrology of Cohas Brook, introduction of invasive species, and increased input of nutrients and pollutants. The applicant has designed adequate erosion controls and proposed to perform the project during no flow. It is therefore unlikely that this project will have any significant effect on the SNE floodplain forest.
7. N.H. Fish and Game responded that they did not have significant concerns about the project's impacts to rare and threatened species documented by NHI proximate to the project area.
8. The proposed area of impact is a seasonal tributary of Cohas Brook, which feeds into an area identified by NHI as an SNE forest and an area of rare species habitat. NHI reviewed the project and stated that the primary threats to the SNE floodplain forest were alterations of the hydrology of Cohas Brook, introduction of invasive species and increased input of nutrients and pollutants.
9. The applicant has designed adequate erosion controls and proposed to perform the project during no flow. It is therefore unlikely that this project will have any significant effect on the SNE floodplain forest.

2003-00167 NHDOT, DISTRICT 5
NEW BOSTON Unnamed Wetland

Requested Action:

Remove 100 sq. ft. of silt from the inlet of a 30 in. RCP and install erosion stone in swale to prevent shoulder erosion.

APPROVE PERMIT:

Remove 100 sq. ft. of silt from the inlet of a 30 in. RCP and install erosion stone in swale to prevent shoulder erosion. NHDOT project #M507-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 5 dated 1-27-03 as received by the Department on January 29, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

2003-00190 LAPLUME, RUSSELL & JUDITH
RICHMOND Unnamed Wetland

Requested Action:

Fill approximately 2,740 square feet of palustrine forested wetlands to install a 15" x 40' culvert to provide access in an 8-lot subdivision

Conservation Commission/Staff Comments:

Conservation Commission provided no additional comments.

APPROVE PERMIT:

Fill approximately 2,740 square feet of palustrine forested wetlands to install a 15" x 40' culvert to provide access in an 8-lot subdivision

With Conditions:

1. All work shall be in accordance with the wetland permit plan by Richard P. Drew, LLC dated June 14, 2002, and Subdivision plat dated December 30, 2002 as received by the Department on February 3, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of wetland to provide

access to an 8-lot subdivision.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00241 FOSTER, DANA
WASHINGTON Unnamed Wetland

Requested Action:

Fill and dredge approximately 1,355 square feet of palustrine scrub-shrub and forested wetlands and install two 12" x 20' culverts to provide access to a single family residence

APPROVE PERMIT:

Fill and dredge approximately 1,355 square feet of palustrine scrub-shrub and forested wetlands and install two 12" x 20' culverts to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated December 31, 2003, as received by the Department on February 10, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wetland for access to developable uplands
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.